

8/6/18

L-141-18

1st

ORDINANCE NO. 141-18

BY: **BRIAN BROCHETTI**

(By Request – City Engineer)

AN ORDINANCE AUTHORIZING THE MAYOR TO
ENTER INTO AN ASSET TRANSFER AGREEMENT
WITH THE CITY OF CLEVELAND, OHIO, AND
DECLARING AN EMERGENCY

WHEREAS, the City of Cleveland owns and operates a waterworks system under the management and control of its Division of Water, Department of Public Utilities, (“Division of Water”) pursuant to the Constitution and laws of the State of Ohio and the Charter and ordinances of the City of Cleveland; and

WHEREAS, Under authority of the Charter of the City of Cleveland and Article XVIII, Section 6, of the Ohio Constitution is empowered to sell and deliver its surplus water to inhabitants and others outside its municipal boundaries; and

WHEREAS, in May 1984, the City of Parma entered into a Water Service Agreement (“Agreement”) with the City of Cleveland and that Agreement has expired and continues on a year to year basis; and,

WHEREAS, in 2007, the City of Cleveland, Division of Water and the Suburban Water Council of Governments began the Suburban Water Main Renewal Program (“SWMRP”) to renew local water mains in direct service suburbs, which includes the City of Parma; and,

WHEREAS, currently the City of Parma owns the water distribution mains smaller than 20 inches and is financially responsible for cleaning and relining this portion of the water distribution infrastructure while the City of Cleveland Division of Water is responsible for maintenance and repair of trunk mains; and,

WHEREAS, under the SWMRP the City of Parma can apply for funding with the City of Cleveland Division of Water to have the City of Parma’s water distribution mains replaced at no direct cost to the city; and,

WHEREAS, in order to participate the SWMR program, the City of Parma must enter into an Asset Transfer Agreement with the City of Cleveland a copy of which is attached hereto as Exhibit “A”; and,

WHEREAS, the City of Cleveland has been the sole supplier of water to the City of Parma and the City of Parma desires to participate in the Suburban Water Main Renewal Program.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARMA, STATE OF OHIO:

Section 1. That the Mayor is hereby authorized to enter into an Asset Transfer Agreement with the City of Cleveland, in a form substantially similar to Exhibit "A" attached hereto.

Section 2. That the Mayor is hereby authorized to execute said Agreement and to take such action and to execute such other documents and amendments thereto as may be necessary as are approved by the Law Director.

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City of Parma, and this measure is necessary in order to enter into this contract by August 15, 2018 and this Ordinance shall become immediately effective upon receiving the affirmative vote of two-thirds of all members elected to Council and approval of the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____

FILED WITH
THE MAYOR: _____

MAYOR, CITY OF PARMA, OHIO